

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF DECEMBER 7, 2004.

ATTENDANCE

COUNCIL: Randy Menard (Chair - District 9), Rob Stevenson (Vice Chair - District 8), Bobby Badeaux (District 1) Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: Louis C. Benjamin, Jr. (District 4)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Monica Fontenot (Administrative Assistant)

ADMINISTRATIVE STAFF: L.J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Pat Ottinger (City-Parish Attorney), Chief Robert Benoit (Fire Department), Becky Lalumia (Director of Finance & Management), Melanie Lewis (Director of Community Development), Tony Tramel (Director of Traffic & Transportation), Tom Carroll (Director of Public Works), Eleanor Bouy (Director of Planning, Zoning & Codes), Gerald Boudreaux (Director of Parks & Recreation)

COMMENCEMENT

(TAPE 1)(SIDE A)(047)AGENDA ITEM NO. 1: Call to order.

Chair Randy Menard called the Regular Council Meeting of December 7, 2004 to order.

(TAPE 1)(SIDE A)(050)AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(075)AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**

a. Update on Wetlands Golf Course

By request of Parks and Recreation, an update on the Wetlands Golf Course will not be given.

Lafayette City-Parish President Durel read and presented a proclamation to the Northside High Vikings Acting Principal Kathy Aloiso for their successful win over STM and their advancement to the Nokia Sugar Bowl Prep Superdome Classic for the Class 4A State Title. Durel proclaimed Saturday, December 11, 2004 as Northside High School Vikings Day and encouraged Lafayette City-Parish residents to support the team in New Orleans.

(TAPE 1)(SIDE A)(110)AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

Menard wished Bobby Badeaux a Happy Birthday. He also announced that Louis Benjamin is out of town on business and was not present for the meeting. Bourgeois recognized 4 students from Comeaux High School who were present conducting research for a Civics project. They were: Courtney Miller, Siava Stevens, Lauren Thornla and Danielle Perez.

RESOLUTIONS

(TAPE 1)(SIDE A)(135)AGENDA ITEM NO. 5: **R-082-2004** A resolution of the Lafayette City-Parish Council requesting assistance from the Louisiana Congressional Delegation for the removal of crossing arms located at the intersection of Madeline, Buchanan and North Pierce Streets. A motion was offered to approve by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Williams explained at the intersection of Pierce and Madeline Streets, the railroad tracks have been covered for years. However, the crossing arm bases are still in place and are considered to be an eyesore. The subject resolution is to request the assistance from the Congressional Delegation for removal of the crossing arms.

(TAPE 1)(SIDE A)(167)AGENDA ITEM NO. 6: R-083-2004 A resolution of the Lafayette City-Parish Council approving the budget of revenues and expenditures of the Downtown Development Authority (DDA), the governing authority of the Lafayette Centre Development District (LCDD). A motion was offered to approve by Williams, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE A)(176)AGENDA ITEM NO. 7: R-084-2004 A resolution of the Lafayette City-Parish Council requesting assistance in obtaining funding to improve drainage flow in the Cypress Bayou/Coulee LaSalle area. A motion was offered to approve as amended by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved as amended.

Mouton offered an amendment, accepted by Stevenson to add ***“on both sides of Highway 90”*** immediately after the words “LaSalle area” on the 3rd line from the bottom of Section 2.

(TAPE 1)(SIDE A)(195)AGENDA ITEM NO. 8: R-085-2004 A resolution of the Lafayette City-Parish Council approving the budget of revenues and expenditures of the Acadiana Criminalistics Laboratory for FY 2005. A motion was offered to approve by Williams, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Stanley explained the subject resolution is in addition to the City Court payments that are paid by contract. The municipalities in the area jurisdictions that are part of the crime lab pay from their City Court funds. The deficit is just estimated and will be monitored until LCG is billed for services rendered. The contract is based on population. LCG pays 56% and the Sheriff's Office pays 44%.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(280)AGENDA ITEM NO. 9: O-268-2004 An ordinance of the Lafayette City-Parish Council declaring the building or structure located at municipal address 703 Madeline Avenue, Lafayette, Louisiana, owned by Alice Pates Melancon and Mary Ann Viltz, c/o Gerald J. Block, Attorney Appointed, to be dilapidated and dangerous to the public welfare and ordering the condemnation of same. A motion to approve was offered by Williams, seconded by Stevenson and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE A)(294)AGENDA ITEM NO. 10: O-270-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$1,250.00 received from the Wal-Mart Foundation, appropriating to the Lafayette City Police Department (hereinafter “LPD”) for the purchase of equipment and supplies to be used for the Patrol Section of the Lafayette Police Department. A motion to approve was offered by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE A)(305)AGENDA ITEM NO. 11: O-271-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the City of Scott concerning the replacement of the Delhomme Street bridge over Coulee Ile Des Cannes. A motion to approve was offered by Badeaux, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Upon questioning by Williams, Tom Carroll gave a synopsis and explained the project that is currently under construction is funded by the state. LCG is replacing the bridge on Dulles Drive, which has been determined to be unsafe for vehicular traffic. LCG will remove the flat cars, which will be moved to the bridge on Delhomme Street. The subject ordinance is to provide manpower and labor to transport the bridges to Delhomme Street. The Town of Scott will pay any funds required during this time.

(TAPE 1)(SIDE A)(387)AGENDA ITEM NO. 12: O-272-2004 An ordinance of the Lafayette City-Parish Council authorizing the establishment of a new fee schedule for the Lafayette Natural History Museum and Planetarium. A motion to approve as amended was offered by Stevenson, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Mary Henderson, Museum Administrator explained the following changes made throughout the ordinance:

- Sections 1 thru 7: The fees are same as original ordinance. The language was changed for clarification purposes.
- Sections 8, 9, & 10: These sections change the fee for adults and chaperones that accompany a field trip. All adults who accompany a field trip are to pay an admission fee of \$2.
- Section 11: This section is new and allows for the creation of marketing opportunities through the use of coupons through the Lafayette Convention and Visitors Commission.
- Section 12: As an institutional member of the American Association of Museums, the Museum & Planetarium is required to admit staff from other AAM museums without charge. It does not cover the “membership” of other museums.

Broussard questioned the standard age of senior citizens. Henderson explained there is no standard for age of senior citizens. Some places set the age group at 62 and over, 60 and over as well as 64 and over.

At this point, Badeaux offered an amendment, seconded by Williams to reduce the Senior Citizen age from **65 to 62 years of age and/or upon presentation of a current AARP membership card.**

The vote on the amendment was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Upon questioning by Menard, Henderson suggested also amending language in the age ranges to reflect **“through” instead of “to”**. This amendment was accepted by maker and second.

(TAPE 1)(SIDE B)(042)AGENDA ITEM NO. 13: O-273-2004 An ordinance of the Lafayette City-Parish Council declaring the Steiner Road Outfall Project a public necessity and authorizing the acquisition of the necessary rights-of-way and other property rights requisite to the construction of said property, either on an amicable basis or through the use of the expropriation process if necessary. A motion to approve was offered by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Upon questioning by Badeaux, Carroll explained there is one home in which the embankment is steep but the owners along this project have voluntarily given the rights-of-way except for one. LCG would like to acquire the servitude in order to extend the project up to the river.

(TAPE 1)(SIDE B)(075)AGENDA ITEM NO. 14: O-274-2004 An ordinance of the Lafayette City-Parish Council amending Ordinance No. 0-286-2003 providing for the conditional removal of a portion of South Domingue Road lying between Ridge Road and Duhon Road from the Consolidated Thoroughfare Plan. A motion to approve was offered by Mouton, seconded by Stevenson, however, after further discussion Broussard requested to table subject ordinance, seconded by Mouton and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved to table.

Rebekke Raines stated a previous ordinance approved by the Council conditionally removed a portion of South Domingue Road between Ridge Road and Duhon Road in order to facilitate John Montesano's development of Chateau de Leon Golf Course. It was conditioned upon him meeting several requirements. Since that time, he has revised the layout of his development, which then nullified the previous ordinance. As part of the conditions of the Planning Commission's approval, the ordinance has to be amended to conditionally remove South Domingue Road from the Consolidated Thoroughfare Plan for a period of 18 months. If all the conditions of plat approval are not satisfied within 18 months of the effective date of the subject ordinance, South Domingue Road will be placed back on the Consolidated Thoroughfare Plan.

Richard Becker, Assistant City-Parish Attorney, added the 18-month period is connected with the practical time requirement to complete the development. If the conditions were not met within the allotted time period and the developer returns to the Council for approval of another plat revision, the Council would then have to decide whether or not to approve the plat revision for another 18 months. Paul Miers, engineer for Montesano, added the decision of the Council last year was that a road would be constructed behind the old Kmart, the developer would construct the extension of Town Center starting at Guidry Road, as well as develop the golf course within 18 months. During the course of acquisitions of property, it was finally determined that the developer and one of the property owners could not agree upon a value for the property.

Therefore, the plat had to be revised to remove the property that could not be obtained. The extension of Town Center Road was removed starting at Guidry Road and placed to be aligned with the road along the side of the mall. By moving the road from Guidry Road to Town Center, there was a 10-acre tract of land that was created that is outside of the 4-lane that goes from Johnston Street to Rue de Belier. That area is being proposed for construction of patio homes within 90 lots. The golf course project has been tentatively approved contingent upon enough pre-sales to justify the construction of the project. Assuming there are not enough pre-sales, the construction of the golf course will not move forward.

(TAPE 1)(SIDE B)(315)AGENDA ITEM NO. 15: O-275-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on Lot C-31-A of the Village of River Ranch, having a municipal address of 603 Silverstone Road. A motion to approve was offered by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux, Bourgeois

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

Upon questioning by Badeaux, Bouy explained the subject ordinance is to release 2 or 3 feet of the utility easement only. Badeaux requested the Administration submit a report reflecting the number of abandonments within the Village of River Ranch.

(TAPE 1)(SIDE B)(350)AGENDA ITEM NO. 16: O-276-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of Southdown Place, having a municipal address of 101 Duclos Street. A motion to approve was offered by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

(TAPE 1)(SIDE B)(359)AGENDA ITEM NO. 17: O-277-2004 An ordinance of the Lafayette City-Parish Council authorizing the Execution of an Act of Abandonment and Revocation of Dedication relative to certain rights-of-way shown in Phase I of Kay’s Commercial Park, on a plat of survey recorded under Entry Number 85-42066, records of Lafayette Parish. A motion to approve was offered by Mouton, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

ANNOUNCEMENT OF VACANCY ON BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(372)AGENDA ITEM NO. 18: Due to a term expiration, a vacancy will exist on the Heymann Performing Arts Center & Frem Boustany Convention Center Advisory Commission for a five year term effective December 17, 2004.

Individuals wishing to volunteer for the above vacancy must be a registered voter and reside outside the corporate limits of the City of Lafayette. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, December 20 with Council appointment to be made on December 21, 2004.

(TAPE 1)(SIDE B)(382)AGENDA ITEM NO. 19: Due to a term expiration, a vacancy will exist on the Lafayette Parish Library Board of Control for a five year term effective December 31, 2004.

Individuals wishing to volunteer for the above vacancy must be a registered voter and resident of Lafayette Parish. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, December 20 with Council appointment to be made on December 21, 2004.

(TAPE 1)(SIDE B)(390)AGENDA ITEM NO. 20: Due to a term expiration, a vacancy will exist on the Cajundome Commission for a four year term effective September 5, 2004.

Individuals wishing to volunteer for the above vacancy must be a registered voter and resident of Lafayette Parish. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, December 20 with Council appointment to be made on December 21, 2004.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(398)AGENDA ITEM NO. 21: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
District 2	John E. Hebert 4106 Stonewall Ave Carencro, LA 70520	Lafayette Parish Water Works District North	4 years	12/19/2004

C-P President	Jan Davis	Lafayette Parish Bayou	4 years	9/30/2004
	111 Edinburgh Circle	Vermilion District		
	Lafayette, LA 70508			

At this point, Chair Menard made the following announcements:

- Items #26, #27, and #28 – Ordinances Nos. O-282-2004, O-283-2004 and O-284-2004. These ordinances need to be amended at intro. Information is provided in packets.
- By request of Public Works, Item Nos. #24, #25 & #29 – Ordinance Nos. O-280-2004, O-281-2004 & O-285-2004 are to be pulled and will be resubmitted.

At this point Mouton offered an amendment to introductory Item No. 22 – Ordinance No. O-278-2004 amending Section 5 to read as follows: **The LCG encourages the respective governing authorities of the other incorporated municipalities in the Parish of Lafayette to adopt similar ordinances in their respective areas.**

(TAPE 1)(SIDE B)() AGENDA ITEM NOS. 22-32: A motion was offered by Mouton, seconded by Stevenson, to approve for introduction the following ordinances in globo with Items #26, #27, and #28 – Ordinances Nos. O-282-2004, O-283-2004 and O-284-2004 and Item #22, Ordinance No. O-278-2004 as amended and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was approved.

INTRODUCTORY ORDINANCES

22. O-278-2004 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 42, Article I and by adding Section 42-2 “Smokefree Air”. (Marc Mouton & Christopher J. Williams, Ph.D.)
23. O-279-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$17,376.00 received from the Louisiana Highway Safety Commission for the purpose of participating in the LHSC statewide fatal and injury crash reduction effort and appropriating within the Lafayette Police Department Patrol Division. (Dee Stanley & Police)
24. O-282-2004 An ordinance of the Lafayette City-Parish Council declaring the Hanks Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project. (Dee Stanley & Public Works)
25. O-283-2004 An ordinance of the Lafayette City-Parish Council declaring the Monte Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project. (Dee Stanley & Public Works)
26. O-284-2004 An ordinance of the Lafayette City-Parish Council declaring the Curry Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project. (Dee Stanley & Public Works)
27. O-286-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$30,000 received from the Towns of Broussard and Youngsville in accordance with Ordinance 0-131-2004 to provide additional funding for the construction of a concession/restroom facility at Arceneaux Park. (Dee Stanley & Parks & Recreation)
28. O-287-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing an increase in the expenditures of the Arts & Culture Division in the amount of \$10,271 to provide for an increase in curatorial salaries and related benefits. (Dee Stanley & Community Development)

29. O-288-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an intergovernmental agreement transferring one (1) surplus bus from the Lafayette City-Parish Consolidated Government to the Lafayette Parish Sheriff's Office (Transit Bus) (Dee Stanley & Finance & Management)
30. O-289-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to adjust Court Reporters' salaries for Lafayette's share in accordance with Louisiana R.S. 13:961 by decreasing Parish General Fund Council Reserve by \$14,640.00 and increasing appropriations within the Division of the District Court Judges by \$14,640.00. (Dee Stanley & District Court)
31. O-290-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to transfer the remaining three quarters of the Fire Department budget from Council Reserve. (Dee Stanley & Fire)
32. O-291-2004 An ordinance of the Lafayette City-Parish Council authorizing the acquisition of certain land for an expansion of the Acadiana Nature Station Park. (Dee Stanley & Community Development)

(TAPE 1)(SIDE B)(535)AGENDA ITEM NO. 36: Comments from the public concerning the above Introductory Ordinances.

The following persons were recognized:

Martha Grant, representative of the American Cancer Society, spoke on behalf of the Coalition for a Healthier Acadiana Regional Grassroots Efforts thanked the Council for the concerns of the public's health and well being with regard to exposure of second hand smoke.

Carrie Morton expressed her concerns regarding Ordinance No. 278-2004 and encouraged the Council to support the "smoke free" ordinance.

ADJOURN

There being no further business to come before the Council, Chair Menard declared the regular Council meeting adjourned.

Norma A. Dugas
Clerk of the Council